IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
SECOND APPEAL NO.180 OF 2006

Ganpat Maruti Shinde ..Appellant.
Vs.
Bhikaji Raghunath Shinde ..Respondent.

Mr.P.S.Dani, adv. for the Appellant.
Ms.Smita Gaidhani, adv. for the Respondent.

CORAM : J.H.BHATIA, J.
DATE : JULY 6, 2007.

P.C.

1. Heard the learned counsel for the Parties. Perused the impugned judgment.

2. It appears that the respondent had filed Regular Civil Suit No.700 of 1976 seeking recovery of rent of house from the present appellant. That suit was decreed on 13-01-1986 exparte. Thereafter, the plaintiff/appellant filed Regular Civil Suit No.872 of 1986 contending that the decree in Regular Civil Suit No.700 of 1976 was obtained by the defendant/respondent by practising fraud on the Court and, therefore, it was null and void. He further contended that the property was covered by the provisions of Maharashtra Slum Areas (Improvement, Clearance and Re-development) Act, 1971 (For short 'The Act') and, therefore, Regular Civil Suit No.700 of 1976 was not tenable before the Civil

Court. After hearing the parties, the trial Court dismissed the claim of the present plaintiff/appellant. He challenged the said judgment in Civil Appeal No.69 of 1998. The Appellate Court referred to certain documents and came to conclusion that the plaintiff/appellant had failed to prove that the disputed property was covered by the Notification issued under the 'Act'. In the result, appeal also came to be dismissed. While, there is concurrent finding of the Courts below, I do not find any question of law involved in the matter.

3. Appeal stands dismissed summarily.

[J.H.BHATIA, J.]